

Hon. E. B. Pickett, President of the Senate:

SIR: I have the honor to report that I have this day at 11 o'clock A. M., presented to his Excellency the Governor, for his approval and signature, Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks.

H. R. LATIMER, Chairman.

Senator Tracy offered the following resolution:

Resolved, That the sergeant-at-arms be allowed the same mileage as witnesses, for distances actually traveled, and two dollars for each paper served. The account to be approved by the chairman of the committee for whom papers were served, and to be paid out of an appropriation made to pay expenses incurred in the matter of contested elections in the Thirteenth Legislature.

Referred to Finance Committee.

On motion, the Senate adjourned until 10 o'clock to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, March 26, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

On motion of Senator Fountain, the special committee appointed to investigate the accounts approved by the Committee on Contingent Expenses were allowed to continue in session in the ante-chamber during the session of the Senate.

The petition of sundry citizens of El Paso county was taken from the President's desk, and on motion of Senator Finlay, referred to the Committee on Privileges and Elections.

Senator Dohoney presented the petition of Isham Farris. Referred to the Committee on Private Land Claims.

Senator Latimer, chairman of Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I have the honor to report that I did, on yesterday, at 11 o'clock A. M., present to his Excellency the

Governor, for his approval and signature, Senate bill No. 198, "An act making an appropriation to defray the expense of distributing blank forms from the Comptroller's office for the assessment of taxes."

H. R. LATIMER, Chairman.

Senator Sayers, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined the following bills, and find them correctly engrossed:

No. 194, "An act to incorporate Concrete College."

No. 125, "An act to authorize the County Court of Parker county to levy and collect a special tax, for the term of two years, to repair old jail or build a new one, and to repair court house in the town of Weatherford in said county."

J. D. SAYERS, Chairman.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 437, entitled "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail and to provide for the safe keeping and disbursement of the revenues arising therefrom," have considered the same, and instruct me to report the same back and recommend its passage.

N. G. SHELLEY, Chairman.

Senator Flanagan introduced a bill entitled "An act to authorize the County Court of Rusk county to issue bonds for the purpose of funding the indebtedness of said county and provide for their payment." Read first time, and referred to Finance Committee.

Also, a bill entitled "An act to authorize the surveyor of Rusk county to transcribe certain records in his office and make a general index." Read first time and referred to Judiciary Committee No. 2.

Senator Finlay introduced a bill entitled "An act to incorporate the Steamship Wharf Company." Read first time and referred to the Committee on State Affairs.

Senator Finlay offered the following resolution:

Resolved by the Senate, the House concurring, That the

committees of the Senate and House on the subject of reducing the number of judicial districts be and the same are hereby constituted a joint committee, and that they act accordingly.

Adopted.

Senator Dillard introduced a joint resolution proposing an amendment to section two, article five, of the Constitution of the State. Read first time and referred to Committee on Constitutional Amendments.

Senator Dohoney introduced three several bills, as follows, which were read first time and referred to Judiciary Committee No. 2:

"An act to amend an act concerning proceedings in the district courts, approved March 16, 1848."

"An act to amend an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

"An act supplemental to the different acts for the authentication and registry of deeds and other instruments of writing, and providing for making certified copies of deeds and other instruments of writing evidence in various courts of this State."

Senator Shelley offered the following resolution:

Resolved, That the select committee appointed to investigate the contingent expenses of the present session of the Senate, be and they are hereby authorized and required to investigate, and report thereon to the Senate the result of their investigation, such claims and certificates for *per diem* as were approved by the Committee on Contingent Expenses, and issued by the secretary of the Senate of the Twelfth Legislature and are now unaudited and unpaid.

Adopted

Senator Dohoney, chairman of select committee, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your select committee on judicial districts, to whom Senate bill No. 38, "An act to confer additional jurisdiction on the presiding justices of the peace of each county in the State," was recommitted, having had the same under careful consideration, ask leave to report the same back to the Senate, and recommend its passage with the following amendments, viz.:

Amend section one by striking out all after the word "qualified," in the eighth line.

Also, amend section two by striking out "one thousand" and inserting in lieu thereof the words "three hundred."

Also, amend section three, in line four of printed bill, after the word "office" the words "four years and."

Also, amend section three by striking out all after the word "qualified," in line five, and before the word "and," in line six; and also amend by making the letter "a," in the word "and," a capital letter.

E. L. DOHONEY, Chairman.

On motion of Senator Sayers, the rule was suspended, and House bill No. 68, "An act to require sheriffs and constables to execute process issued by the Legislature or any committee thereof," was taken up, read second time and passed to a third reading; rules further suspended, read third time and passed.

Unfinished business. The business of a general nature pending when the Senate adjourned yesterday, viz., "An act to amend an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870," was again taken up, pending amendment to section eight, line three, to strike out the words "or clerk." Adopted.

Senator Shelley proposed to amend section two, line four, by striking out the word "and," and insert the words "and when such application is made, or." Adopted.

Senator Finlay proposed to amend section one, by adding at the end of the section: "*provided*, that all orders made by the clerk in vacation, under the provisions of this section, shall be spread upon the minutes of the probate record on the day they are made." Adopted.

Senator Sayers proposed to amend section two, by adding at the end of said section the following: "But no surety, who shall make application to be relieved from any bond, shall be so relieved until the administrator, executor or guardian shall have executed a new bond, and the same been approved."

The bill was ordered engrossed.

On motion of Senator Dohoney, the rule was suspended, bill read third time and passed.

House bill No. 427, "An act to authorize the Governor to settle with Williams & Guion, of New York City, for their claims against the State," taken up, read, and on

motion of Senator Flanagan, indefinitely postponed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dohoney, Evans, Flanagan, Latimer, Pyle, Rawson, Randle, Sayers, Shelley, Tracy and Mr. President—16.

Nays—Senators Dillard, Ford, Finlay, Fountain, Franks, Gaines, Ruby, Swift, Tendick and Word—10.

Senator Dohoney, chairman of the Committee on Education, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Education, to whom was referred Senate bill No. 83, entitled "An act to establish and maintain a system of public free schools in the State of Texas," have carefully considered the same, and instruct me to report the accompanying substitute and recommend its passage.

E. L. DOHONEY, Chairman.

On motion of Senator Dohoney the rule was suspended, report and bill taken up, and one hundred copies ordered printed.

A message was received from the House informing the Senate that the House had passed House bill No. 156, "An act to validate the survey of John B. Dillard, and to authorize a patent to issue on the same."

House bill No 29, "An act to provide for the registration of voters," together with a report of Judiciary Committee No. 1, recommending sundry amendments, were taken up, bill read second time and amendments proposed by the committee adopted.

Senator Shelley offered the following amendment as a substitute for section seventeen: SEC. 17. That this act take effect and be in force from and after the fifteenth day of May, A. D. 1873." Adopted.

Senator Finlay proposed to amend section thirteen, line twenty-six, by striking out the word "resent" and insert "resist." Adopted.

On motion of Senator Ruby the bill was again read and considered by sections.

Senator Ruby proposed to amend section five as follows: Strike out all after the word "election," in line twenty-one, down to and including the word "promptly," in line twenty-five.

The yeas and nays being called on the adoption of the amendment, stood as follows:

Yeas—Senators Baker, Ford, Flanagan, Franks, Gaines, Rawson, Randle, Ruby, and Tracy—9.

Nays—Senators Avinger, Ball, Broughton, Cole, Dohoney, Evans, Finlay, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—14.

The names of Senators Dillard and Fountain being called, Senator Dillard announced that he had paired off with Senator Saylor and could not vote on the bill or amendments, but would have voted against the amendment.

Senator Fountain stated that he had paired off with Senator Henry, but if he were allowed a vote, would vote for the amendment.

Senator Shelley proposed to amend section five, line seven, after the word "naturalized," by striking out the word "and," where it occurs, and inserting the word "or." Adopted.

Senator Franks proposed to amend by striking out all after the word "election," in line twenty-one, section five.

The yeas and nays being called, the amendment was lost by the following vote:

Yeas—Senators Baker, Ford, Flanagan, Franks, Gaines, Rawson, Randle, Ruby and Tracy—9.

Nays—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—15.

Senator Fountain excused for reasons above given.

Senator Ford proposed to amend section six, in line fifteen, by inserting after the word "name," the following: "*provided* the objection be one that would disqualify the applicant for registration under the laws or Constitution of this State." Laid on table.

Senator Ford proposed to amend section six by striking out all after the word "citation," down to and including the word "fact," in line twenty-two. Laid on table.

Senator Shelley proposed to amend section thirteen, line forty-three, by inserting after the words "any county," the words "under this act." Adopted.

On motion of Senator Cole, the rules were suspended, the bill read third time, and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dohoney, Evans, Finlay, Latimer, Pyle, Shelley, Swift, Word and Mr. President—13.

Nays—Senators Baker, Ford, Flanagan, Franks, Gaines, Rawson, Randle, Ruby, Tendick and Tracy—10.

Senator Fountain stated that but for being paired off with Senator Henry, he would vote against the passage of the bill.

Senators Dillard and Sayers being paired off with Senators Saylor and Hall, respectively, were excused from voting, but stated that but for the fact of being paired off would have voted for the bill.

The hour having arrived for the consideration of bills of a special nature, the bill pending when the Senate adjourned, viz., for the relief of R. B. Reagan, sheriff of Cherokee county, was taken up, and on motion of Senator Dillard referred to Judiciary Committee No. 1.

Senator Dohoney called up a bill for the relief of Obediah P. Reams. Read second time.

Senator Dohoney proposed to amend the bill as follows: Amend section one, line nine, by striking out the word "three" and insert "one." Strike out the letter "s" at the end of the word certificates, in same line, and strike out the word "each" in line ten. Adopted, and bill ordered engrossed.

Senator Cole moved to suspend the rules and place the bill upon its third and final reading. Carried. Read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Finlay, Fountain, Rawson, Randle, Ruby, Shelley, Swift, Tendick and Word—16.

Nays—Senators Broughton, Flanagan, Franks, Gaines, Pyle, and Tracy—6.

Senator Evans called up House bill No. 339, "An act to authorize the county of Dallas to issue bonds." Read second time and passed to third reading; rules suspended, read third time and passed.

Senator Ford called up House bill No. 179, "An act to authorize the County Court of Falls County to levy and collect a special tax." Read second time.

Senator Ford proposed the following amendments:

Section one, line four, after the word "twenty" before the word "cents" insert "five."

Same section, lines five and six, strike out the words, "and a special poll tax of one dollar on every male person over the age of twenty-one years," and insert the following: "and a special tax upon all taxable occupa-

tions or callings, not to exceed one-fourth of the amount levied by the State."

Same section, line seven, strike out the words "and aiding" and insert the word "by."

Section two, line one, insert after the word "collected" and before the word "from," the words, "as other taxes."

Adopted, and the bill passed to third reading; rules suspended, bill read third time and passed.

Senator Broughton called up Senate bill No. 169, "An act to to authorize the Police Court of Grayson county to contract for the building of a court house." Bill read second time and ordered engrossed.

Senator Broughton moved to amend section two, line six, by striking out "300" and inserting "600."

Adopted. Rules suspended, bill read third time and passed.

Senator Finlay called up House bill No. 15, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house." Read second time and passed to third reading; rules suspended, read third time and passed.

Senator Flanagan called up "An act to authorize the County Court of Rusk county to issue bonds for the purpose of funding the indebtedness of the county, and to provide for their payment." Read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Fountain called up House bill No. 64, a bill in aid of the financial condition of Cameron county, with report of Judiciary Committee No. 2, recommending amendments. Taken up, and amendments recommended by committee adopted, and bill passed to third reading; rule suspended, bill read third time and passed.

On motion the Senate adjourned to 10 o'clock A. M. tomorrow.

SENATE CHAMBER, }
AUSTIN, TEXAS, March, 27, 1873. }

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the chaplain.